UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,010	11/17/2003	David S. Benco	LUTZ 2 00251	3279

48116 7590 03/20/2007	EXAMINER	
FAY SHARPE/LUCENT	WIN, AUNG T	
1100 SUPERIOR AVE		
SEVENTH FLOOR	ART UNIT	PAPER NUMBER
CLEVELAND, OH 44114	2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/715,010	BENCO ET AL.
	Examiner	Art Unit	
	Aung T. Win	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 April 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.

  4a) Of the above claim(s) <u>2,7 and 12</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1, 3-6, 8-11, 13-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

02/07/2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11, 13-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. Claim 11 recites memo/mail delineator

configured to display indicators, which separate voice mail messages from memo

messages. The limitation appears to examiner that delineator **displays** indicators.

Examiner cannot find any support of delineator display indicators in the disclosure as

cited in Claim 11. According to disclosure, mobile device display indicators. Examiner

requests the applicant specify the drawing, page, column or line number, which support

the claim limitation. Applicant is required to cancel the new matter in the reply to this

Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1, 3-6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Qua et al. (US Patent Number: US006222909B1) in view of Bartfeld et al. (US

Publication Number: US 20030086432A1), further in view of Williams et al.

(US20040252679A1).

1.1   Regarding Claim 1, Qua discloses a method for supporting a network-based

audio note-taking feature (reads on network-based voice memo feature) [Summary]

[Figure 1] for wired and wireless terminal user devices in telecommunication network

[Column 2, Line 49- Column 3, Line 7]. Qua's method comprises:

Recording a specific conversation during a conversation between users [Column 1, Line 40-49] [Column 3, Line 22-39] [Column 4, Line 29-39] or retrieving a recorded conversation i.e., retrieving recorded notes during the current call [Column 6, Line 39-44] (Recording or retrieving step reads on maintaining step).

One skilled in the telecommunications art would realize that the voice call in Qua's method have a forward link and reverse link in which reverse link being a link from a mobile station to a base station since the method is operative to the telecommunication network as depicted in Figure 1.

Qua teaches monitoring and detecting control signals (i.e., record signal and terminate signals) generated by mobile stations on reverse links (see reverse link as stated above) (Also See [Column 3, Line 22-26] [Column 5, Line 28-31] [Column 6, Line 59-Column 7, Line 30] for generating control signals by users for recording audio notes and retrieving recorded audio notes i.e., initiating recording sequence (pressing start button) or terminating recording sequence (pressing stop button) or retrieving recorded audio notes sequence. (Generating a start sequence reads on a first code and generating a stop sequence reads on a second code).

Although Qua's method store the recorded voice data in network based storage 180, Qua fails to teach the opening a connection step between the mobile station and a voice messaging system based on the first code then record to store voice data in a voice mailbox based on the first code.   Instead, Qua's method teaches a recording step to store the recorded voice data in Network Storage 180 Storage 180 [Figure 1]

[Column 3, Line 59-66] based on a first code and further discloses a distribution step

option in which recorded voice data stored in Network to be forwarded to a voice mail

server [Step 310, Step 320, Step 322 and Step 324 in Column 5, Line 48-Column 6,

Line 4] using voice mail addresses (reads on identification of voice mail boxes) based

on a distribution code.

Bartfeld teaches a telephone call management system and method in which a

telephone conversation can be recorded in the voice mail server 90 [Figure 1, 2 & 3]

[Step 870 in Figure 7] [Column 5, Paragraph 0044] based on record command

[Paragraph 0044, Line 9-10]. Bartfeld's system and method also teaches the storing of

voice data in other recording devices for extreme flexibility [Column 5, Paragraph 0045,

Line 9-13].

Therefore, it would have been obvious to one of ordinary skill in the art to modify

the Qua's voice recording and storing method with Bartfeld's method to record a voice

data using voice messaging system based on a first code by efficiently removing

network storage and utilizing existing voice messaging system to store recorded data.

One of ordinary skill in the art would have been motivated to do this to reduce the

processing step and to implement cost-effective system by reducing the hardware

expenditures.

Modified method fails to disclose tagging recorded voice data as claimed.

Williams discloses tagging and storing recorded voice mail messages and voice memo

messages in voice mail storage archive 132 [0067, 0072 & 0073]. Williams also

discloses that recorded voice message includes an indication to indicate that the recorded voice message is a voice memo message [0072]. Williams also teaches the stored voice memo messages can be selectively retrieved [0073]. Therefore, it is obvious to one of ordinary skill in the art that voice mail system as taught by Williams must be integrated with claimed memo/mail delineator for selectively retrieving stored voice memo messages or voice mail messages from voice mail storage archive 132.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to tag and store the voice messages as taught by Williams to further modify as claimed. One of ordinary skill in the art at the time of invention of made to do this to selectively retrieve voice memo messages from stored voice messages.

1.2   Claim 6 is an apparatus claim rejected for the same reasons as stated above in Claim 1 rejections because claim means read on corresponding method steps rejected in Claim 1. Modified Qua's system for network-based voice memo would have corresponding means for executing the claims' step recited in Claim 1 rejection.

1.3   Claims 3, 4, 8 & 9 are rejected for the same reason as stated above in Claims 1 & 6 rejection. Modified method teaches identification step to identify the stored information in order to retrieve the stored information correctly from stored voice mail addresses i.e., voice mail box [See Qua reference: Column 3, Line 65; Column 5, Line

18-41 & Column 6, Line 33-35]. One skilled in the telecommunication arts also would realize that stored recorded voice data would have been identified and store in a voice mailbox in order to retrieve the targeted message in modified Qua's system. Moreover, Identifying the voice message for storing in a voice mailbox and for retrieving the identified voice message is well known to one of skilled in the telecommunication arts.

1.4   Claims 5 & 10 are rejected for the same reason as stated above in Claims 1 & 6 rejection. Modified method would have connected the mobile station and the voice messaging system through the voice memo control module i.e., the controller implemented in note taking mechanism [See the claim 11 rejection] and a voice handler i.e., the audio recording processors implemented in note taking mechanism in order to record the conversation i.e., voice memo (a first path reads on the communication path from a mobile station to the controller of note taking mechanism for the controller to receive the control signals i.e., first code and second code) and (a second path reads on the communication path between the controller of note taking mechanism and the corresponding processors).

2.   Claims 11, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qua et al. (US Patent Number: US006222909B1) in view of Bartfeld et al. (US Publication Number: US 20030086432A1), further in view of Williams et al. (US20040252679A1) and Qu et al. (US006965786B2).

2.1   Regarding Claim 11, Qua discloses a system for supporting a network-based

audio note-taking feature (reads on network-based voice memo feature) [Summary]

[Figure 1] for wired and wireless terminal user devices in telecommunication network

[Column 2, Line 49- Column 3, Line 7]. Qua's method comprises:

Recording a specific conversation during a conversation between users [Column

1, Line 40-49] [Column 3, Line 22-39] [Column 4, Line 29-39] based on detected record

command signal or terminate command signal generated by mobile stations on reverse

link (i.e., from mobile station to a network device) (Also See [Column 3, Line 22-26]

[Column 5, Line 28-31] [Column 6, Line 59-Column 7, Line 30] for generating control

signals by users for recording audio notes and retrieving recorded audio notes i.e.,

initiating recording sequence (pressing start button) or terminating recording sequence

(pressing stop button) or retrieving recorded audio notes sequence. (Generating a start

sequence reads on a first code and generating a stop sequence reads on a second

code). Therefore, it is obvious to one of ordinary skill in the art that Qua's system

comprises switching component and control module because the system establishes

the voice call between users having a forward link and reverse link (i.e., from mobile

station to a base station or network device) and records voice data based on detected

signal or code during the voice call connection. Qua clearly teaches the requirements

and implementation of switches necessary to perform such network features in the

telecommunication network [Qua reference: Column 2, Line 55-60 & Column 3, Line 8-

21]. Qua's system comprises a control module [See Qua reference: Column 3, Line 8-

26] i.e., a controller implemented in note taking mechanism 129 reads on a control module.

The system also comprises voice mail system [Figure 1] [Column 3, Line 59-66] [Step 310, Step 320, Step 322 and Step 324 in Column 5, Line 48-Column 6, Line 4]. Qua fails to teach the opening a connection step between the mobile station and a voice messaging system based on the first code then record to store voice data in a voice mailbox based on the first code.

Bartfeld teaches a telephone call management system and method in which a telephone conversation can be recorded in the voice mail server 90 [Figure 1, 2 & 3] [Step 870 in Figure 7] [Column 5, Paragraph 0044] based on record command [Paragraph 0044, Line 9-10] [Also see Telephony switch 25 in Figure 1-3 & Column 3, Paragraph 0029, Line 7-20]. Bartfeld's system and method also teaches the storing of voice data in other recording devices for extreme flexibility [Column 5, Paragraph 0045, Line 9-13].

Therefore, it would have been obvious to one of ordinary skill in the art to modify the Qua's system to record a voice data using voice messaging system based on a first code as taught by Bartfeld by efficiently removing network storage and utilizing existing voice messaging system to store recorded data. One of ordinary skill in the art would have been motivated to do this to reduce the processing step and to implement cost-effective system by reducing the hardware expenditures.

Modified system fails to disclose separating recorded voice memo message from voice mail messages. Williams discloses tagging and storing recorded voice mail messages and voice memo messages in voice mail storage archive 132 [0067, 0072 & 0073]. Williams also discloses that recorded voice message includes an indication to indicate that the recorded voice message is a voice memo message [0072]. Williams also teaches the stored voice memo messages can be selectively retrieved [0073]. Therefore, it is obvious to one of ordinary skill in the art that voice mail system as taught by Williams must be integrated with claimed memo/mail delineator for storing voice messages in voice mail storage archive 132 with received message type indications.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to tag and store the voice messages as taught by Williams to further modify as claimed. One of ordinary skill in the art at the time of invention of made to do this to selectively retrieve voice memo messages from stored voice messages.

Modified system fails to disclose display indicators, which separate voice mail messages from memo messages. Qu teaches mobile devices that have display indicators for displaying voice memo message icons and voice mail message icons [Table 1: column 3] [Figure 2]. Therefore, it is obvious to one of ordinary skill in the art that Qu system teaches voice message system with delineator component because the system indicates mobile to display voice mail messages icons.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of invention of made to further modify the system as claimed to display indicators

which separate voice mail messages from memo messages as taught by Qu. One of

ordinary skill in the art at the time of invention of made to do this to efficiently and clearly

display the message status applications supported by the system.

2.2   Claims 13 & 14 are rejected for the same reason as stated above in Claims 1 & 6

rejection. Modified system teaches identification step to identify the stored information

in order to retrieve the stored information correctly from stored voice mail addresses i.e.,

voice mail box [See Qua reference: Column 3, Line 65; Column 5, Line 18-41 & Column

6, Line 33-35]. One skilled in the telecommunication arts also would realize that stored

recorded voice data would have been identified and store in a voice mailbox in order to

retrieve the targeted message in modified Qua's system. Moreover, Identifying the

voice message for storing in a voice mailbox and for retrieving the identified voice

message is well known to one of skilled in the telecommunication arts.

2.3   Claim 15 is rejected for the same reason as stated above in Claims 1 & 6

rejection. Modified system would have connected the mobile station and the voice ·

messaging system through the voice memo control module i.e., the controller

implemented in note taking mechanism [See the claim 11 rejection] and a voice handler

i.e., the audio recording processors implemented in note taking mechanism in order to

record the conversation i.e., voice memo (a first path reads on the communication path from a mobile station to the controller of note taking mechanism for the controller to receive the control signals i.e., first code and second code) and (a second path reads on the communication path between the controller of note taking mechanism and the corresponding processors).

2.4   Regarding Claim 16 & 17, modified method fails to disclose display indicators, which separate voice mail messages from memo messages. Qu teaches mobile devices that have display indicators for displaying voice memo message icons and voice mail message icons [Table 1: column 3] [Figure 2]. Therefore, it is obvious to one of ordinary skill in the art that Qu system teaches voice message system with delineator component because the system indicates mobile to display voice mail messages icons.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the method as claimed to display indicators which separate voice mail messages from memo messages as taught by Qu. One of ordinary skill in the art at the time of invention of made to do this to efficiently and clearly display the message status applications supported by the system. .
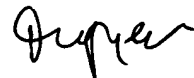
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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